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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,802	10/05/2000	Perry A. Pierce	F-209	8910

919                  7590                  09/10/2003

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[REDACTED] EXAMINER

ABDI, KAMBIZ

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

3621

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/679,802	PIERCE ET AL.	
	<b>Examiner</b> Kambiz Abdi	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 01 July 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Disposition of Claims**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 30 June 2003 is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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#### **DETAILED ACTION**

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claims 5 and 13 are amended.
- Claims 1-23 have been considered.

#### ***Priority***

2. The issue that has been unclear to the applicant regarding the foreign priority has been the lack of certified copy of the foreign patents in the applicant's file wrapper. It should be noted the submitted certified foreign patent that exists in the application wrapper has no relation what so ever with the currently submitted application and claimed invention. Specifically the certified copies furnished to the Patent Office by the applicant consist of application number UK 9923437.9 filed 5 October 1999, titled "Improvements in or Relating to Fluid Seals" and application number UK 0017455.7 filed 18 July 2000, titled "Improvements in or Relating to Fluid Filters", which neither addresses the claimed invention of the current application or similar art. Applicant is encouraged to remedy this deficiency. If there is a need of further clarification please contact the examiner by telephone at number below.

#### ***Response to Arguments***

3. Applicant's arguments filed 1 July 2003 have been fully considered but they are not persuasive. Clearly the applicant has attested to the disclosure of claimed invention of claims 1-4, 8-12, 16-20, and 23 in pages 4 and 5 of the amendment filed on 1 July 2003.

As for claims 5 and 13 Gordon clearly discloses the "space to receive the indication of the third party payment" (See Gordon figure 9 and associated text and column 8, lines 63-67, column 11, lines 45-67, and column 14, lines 55-64).

4. In respect to applicant's contention regarding alleged patentability of claims 6, 7, 14, 15, 21, and 22, examiner respectfully disagrees with the applicant's analysis. As it is clear by the Gordon reference in figure 9 and its associated text it is clearly suggested that the accumulation of post cards representing a

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payments for delivery in a later date to the vendor. The collection and aggregation of payments to an entity for a periodical submission of total funds credit to such vendor is a well-known practice in the accounting industry, which is widely used. Balance consolidation is widely used for e-commerce systems. Some of the e-commerce system that utilize aggregated balance forwarding on a periodical time intervals or dependent on the fund level value are mention below as to demonstrate the state of the art as it is relevant to the applicant's claims as they have been currently presented.

U.S. Patent No. 6,138,107, to Taher Elgamal, Method and Apparatus for Providing Electronic Accounts Over A Public Network (See abstract, column 5, lines 38-42, column 6, lines 1-35, column 8, lines 1-8, column 9, lines 7-13, column 11, lines 2-6, and column 12, lines 10-17).

U.S. Patent No. 6,473,740, to Michael P. Cockrill, Electronic Commerce Using A Transaction Network (See column 5, lines 1-10, column 6, line 1-column 7, line 10, and column 13, lines 27-33).

#### *Drawings*

5. As for the revised drawings to correct informalities that has been submitted by the applicant on 30 June 2003 they have been approved by the examiner and have been entered into the application.

#### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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7. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-23 are rejected under 35 U.S.C. 102 (e) being anticipated by Roy R. Gordon, U.S. Patent No. 6289323.

9. As per claims 1, 9, and 17 Gordon discloses a payment processing system and method, comprising:

- a data center (See Gordon figures 4-9 and associated text);
- a postage metering system located remotely from the data center (See Gordon figures 4-9 and associated text); and
- a control system in operative communication with the data center and the postage metering system (See Gordon figures 4-9 and associated text column 3, lines 6-52 and column 5 lines 29-52), the control system for:
  - obtaining payment data via the postage metering system, the payment data including a payee and a payment amount (See Gordon figures 4-9 and associated text column 3, lines 6-65 and column 5 lines 29-52); and
  - dispatching payment from the data center to the payee for the payment amount (See Gordon figures 4-9 and associated text column 3, lines 6-65 and column 5 lines 29-52).

10. As per claims 2, 10, and 18, Gordon discloses all the limitations of claims 1, 9, and 17, further; Gordon discloses,

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- coordinating printing by the postage metering system of an indication of the third party payment on a mail piece intended for delivery to the payee (See Gordon figures 4-9 and associated text column 2, lines 31-40, column 3, lines 6-65 and column 5 lines 29-52).
11. As per claims 3, 11, and 19 Gordon discloses all the limitations of claims 2, 10, and 18, further; Gordon discloses,
- the payment data further includes a date on which the payment is authorized for dispatch (See Gordon figures 4-9 and associated text column 3, lines 6-65, column 5 lines 29-52 and column 7, lines 36-53).
12. As per claims 4, 12, and 20, Gordon discloses all the limitations of claims 3, 11, and 19, further; Gordon discloses,
- the third party payment indication includes a digital signature of at least a portion of the payment data so that any attempts to tamper with the payment data are detectable (See Gordon figures 4-9 and associated text column 2, lines 5-16, column 4, lines 8-43).
13. As per claims 5 and 13, Gordon discloses all the limitations of claims 4 and 12, further; Gordon discloses,
- the mail piece is a business return mail piece provided by the payee, the business return mailpiece including space to receive the indication of the third party payment. (See Gordon figures 8 and 9 and associated text, column 14 lines 55, 64).
14. As per claims 8, 16, and 23, Gordon discloses all the limitations of claims 7, 15, and 22, further; Gordon discloses,
- the payment data further includes a date on which the payment is authorized for dispatch (See Gordon figures 4-9 and associated text column 3, lines 6-65, column 5 lines 29-52 and column 7, lines 36-53).

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***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6, 7, 14, 15, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6289323 to Roy R. Gordon.

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17. As per claims 6, 7, 14, 15, 21, and 22, Gordon discloses all the limitations of claims 1, 5, 9, 17, 13, and 20, further;

18. What Gordon is not clear is if the value payments from multiple payers are aggregated before they are forwarded to be credited to the payee's account. Gordon discloses the aggregation of collected mail pieces and the forwarding them to the end user. Although, Gordon discloses the claimed invention, as discussed above, except for the step of collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee. It would have been an obvious matter of design choice to modify the teachings of Gordon, to provide the step of collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee. Since applicant has not disclosed that solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Gordon will perform the invention as claimed by the applicant with any method, means or product to collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee (See Gordon figure 9 and its associated text and column 15, lines 59-68).

### ***Conclusion***

19. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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20. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive  
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K  
September 4, 2003**

*John W. Hayes*  
**JOHN W. HAYES  
PRIMARY EXAMINER**